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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re S.V., a Person Coming Under the Juvenile  
Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

S.V.,

Defendant and Appellant.

F073009

(Super. Ct. No. JW135192-00)

**OPINION**

**THE COURT\***

APPEAL from an order of the Superior Court of Kern County. Raymonda B. Marquez, Judge.

Holly Jean Jackson, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Michael P. Farrell, Assistant Attorney General, Kathleen A. McKenna and Jessica C. Leal, Deputy Attorneys General, for Plaintiff and Respondent.

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\* Before Levy, Acting P.J., Peña, J. and Smith, J.

The court adjudged appellant S.V. a ward of the court (Welf. & Inst. Code, § 602)<sup>1</sup> after he admitted allegations charging him with misdemeanor vandalism (Pen. Code, § 594, subd. (b)(2)(a)). On appeal, he contends the court abused its discretion when it ordered him into an open-ended placement at the Kern County Crossroads Facility (Crossroads). We affirm.

### **FACTS**

On August 6, 2015, at 1:52 a.m., Kern County Sheriff's deputies responded to Pioneer Drive School and contacted the 14-year-old appellant near a broken window. When asked if he broke the window, appellant replied, "Yeah, I was taking out my anger on it. No one understands me." He also explained that he was sad because one of his friends was recently "locked up."

On October 20, 2015, the district attorney filed a petition charging appellant with two misdemeanors, vandalism and trespass.

On November 19, 2015, the probation department filed a readiness report that indicated appellant did not have a prior record. However, his attendance at school was marginal, he was failing most of his school classes, and in junior high school he received 40 rule infractions, including violations for threatening school staff, fighting, defiance, falsifying information, inappropriate touching of female students, and classroom disruption.

The report also indicated appellant was born addicted to an unspecified drug. Appellant began smoking marijuana at age nine, drinking alcohol at age 10, smoking cigarettes daily at age 11, snorting cocaine at age 13, and using methamphetamine and abusing prescription drugs at age 14. Appellant was diagnosed with oppositional defiance disorder and severe depression on dates unspecified in the report. He has also

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code.

expressed suicidal ideation and was previously hospitalized for attempting suicide. Appellant's father described him as being out of control and reported appellant had made holes with a bat and painted graffiti on the walls in his bedroom. Appellant's parents reported being worried for the safety of small children in the house because appellant's behavior was erratic and violent. Additionally, appellant often left home in the middle of the night and returned at his own leisure. The report concluded appellant was at a high risk of reoffending and it recommended that he be placed at Crossroads.

After the readiness report was filed, appellant admitted the vandalism charge. Defense counsel then argued that in lieu of a commitment to Crossroads, the court should commit appellant to the court work program or to juvenile hall. The court, however, committed appellant to Crossroads for the available confinement time of one year, less 10 days' credit for time served.

### **DISCUSSION**

Appellant contends that "as a 14-year old who had not previously been detained before this case, [he] should be entitled to a specific, limited, and restrictive, time frame to be separated and detached from his parents." He further contends that his open-ended placement at Crossroads conflicts with section 202's mandate of preserving and strengthening a "minor's family ties whenever possible[] [and] removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public." (§ 202, subd. (a).) Thus, according to appellant, the court abused its discretion when it committed him to Crossroads because its order lacked "any specificity as to the actual or estimated time frame during which appellant might complete the program." We disagree.

““We review a juvenile court’s commitment decision for abuse of discretion, indulging all reasonable inferences to support its decision.” [Citation.] “[D]iscretion is abused whenever the court exceeds the bounds of all reason, all of the circumstances being considered.””” (*In re Khalid B.* (2015) 233 Cal.App.4th 1285, 1288.) ““Minors

under the juvenile court's jurisdiction must receive the care, treatment, and guidance consistent with their best interest and the best interest of the public. [Citation.] Additionally, minors who have committed crimes must receive the care, treatment, and guidance that holds them accountable for their behavior, is appropriate for their circumstances, and conforms with the interest of public safety and protection. [Citation.] This guidance may include punishment that is consistent with the rehabilitative objectives.”” (*Ibid.*)

Although appellant did not have a prior delinquent history, he suffered from severe emotional and behavioral problems that required him to be in a secure setting like Crossroads where he could receive the treatment he needed. Thus, the record amply supports the court's commitment of appellant to the Crossroads program.

Further, appellant did not receive an open-ended commitment to Crossroads because the court set the maximum duration of his commitment there at one year, less 10 days. Moreover, appellant's commitment to Crossroads could last substantially less than one year because the court was required to hold a six-month review hearing to consider reunification and to monitor his placement there. (§ 727.1, subd. (d).)

In any event, even assuming appellant's commitment to Crossroads was open-ended, appellant's severe mental and behavioral issues support the court's commitment of him to the program for up to a year, less 10 days, notwithstanding the statutory preference embodied in section 202 for not removing a minor from the custody of his parents. Accordingly, we reject appellant's contention that the court abused its discretion when it committed him to Crossroads.

### **DISPOSITION**

The judgment is affirmed.